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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) YOR920030431US1

In re Application of: Hendrik F. Hamann, et al.

Application No. 10/685,216

Filed: October 15, 2003

For: METHOD AND APPARATUS FOR FORMING LATERAL ELECTRICAL CONTACTS FOR PHOTONIC CRYSTAL DEVICES

The owner*, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/122,152, filed on May 4, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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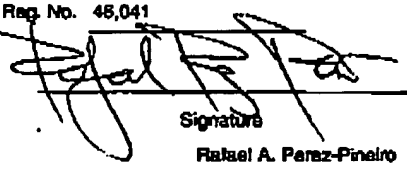
2. ☒ The undersigned is an attorney of record. Reg. No. 45,041



9/6/06

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